

House File 2283 - Enrolled

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HOUSE FILE 2283

AN ACT

CONCERNING ELIGIBILITY FOR RECEIVING A VIETNAM CONFLICT
VETERANS BONUS FOR A CERTAIN PERIOD OF ACTIVE DUTY
MILITARY SERVICE, PROVIDING A PENALTY, AND INCLUDING AN
EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 35A.8A VIETNAM CONFLICT VETERANS
BONUS == LIMITED RESIDENCY REQUIREMENT == APPROPRIATION.

1. a. A person who served on active duty for not less
than one hundred twenty days in the armed forces of the United
States at any time between July 1, 1958, and May 31, 1975,
both dates inclusive, and who was inducted into active duty
service from the state of Iowa and was honorably discharged or
separated from active duty service, or is still in active
service in an honorable status, or has been retired, or has
been furloughed to a reserve, or has been placed on inactive
status is entitled to receive from moneys appropriated for
that purpose the sum of seventeen dollars and fifty cents for
each month that the person was on active duty service in the
Vietnam service area, within the dates specified in this
paragraph, if the veteran earned either a Vietnam service
medal or an armed forces expeditionary medal=Vietnam or can
otherwise establish service in the Vietnam service area during
that period. Compensation under this paragraph shall not
exceed a total sum of five hundred dollars. Compensation for
a fraction of a month shall not be considered unless the
fraction is sixteen days or more, in which case the fraction
shall be computed as a full month.

b. A person otherwise qualified under paragraph "a" except
that the person did not earn either a Vietnam service medal or
an armed forces expeditionary medal=Vietnam and did not serve
in the Vietnam service area during the period between July 1,
1958, and May 31, 1975, both dates inclusive, is entitled to
receive from moneys appropriated for that purpose the sum of
twelve dollars and fifty cents for each month that the person
was on active duty service, within the dates specified in
paragraph "a". Compensation under this paragraph shall not
exceed a total sum of three hundred dollars. Compensation for
a fraction of a month shall not be considered unless the
fraction is sixteen days or more, in which case the fraction
shall be computed as a full month.

2. A person otherwise eligible to receive compensation
pursuant to subsection 1 shall be entitled to compensation
pursuant to this section if all of the following requirements
are met:

a. The person has not received a bonus or compensation
similar to that provided in this section from this state or
another state.

b. The person was on active duty service after July 1,
1958, and the person did not refuse on conscientious,
political, religious, or other grounds, to be subject to
military discipline.

c. The person made application for a bonus or compensation
similar to that provided in this section from this state and
was denied compensation because the person did not meet
applicable residency requirements.

d. The person files an application for compensation under
this section in a manner determined by the department of
veterans affairs by July 1, 2010.

3. The surviving unremarried widow or widower, child or
children, mother, father, or person standing in loco parentis,
in the order named and none other, of any deceased person
shall be paid the compensation that the deceased person would
be entitled to pursuant to this section, if living. However,
if any person has died or shall die, or is disabled, from
service-connected causes incurred during the period and in the
area from which the person is entitled to receive compensation
pursuant to this section, the person or the first survivor as
designated by this subsection, and in the order named, shall

3 4 be paid five hundred dollars or three hundred dollars,
3 5 whichever maximum amount would have applied pursuant to
3 6 subsection 1, paragraph "a" or "b", regardless of the length
3 7 of service.

3 8 4. A person who knowingly makes a false statement relating
3 9 to a material fact in supporting an application under this
3 10 section is guilty of a serious misdemeanor. A person
3 11 convicted pursuant to this section shall forfeit all benefits
3 12 to which the person may have been entitled under this section.

3 13 5. All payments and allowances made under this section
3 14 shall be exempt from taxation, levy, and sale on execution.

3 15 6. The bonus compensation authorized under this section
3 16 shall be paid from moneys appropriated for Vietnam Conflict
3 17 veterans' bonuses.

3 18 7. The executive director of the department of veterans
3 19 affairs shall provide for the administration of the bonus
3 20 authorized in this section. The department shall adopt rules,
3 21 pursuant to chapter 17A, as necessary to administer this
3 22 section including but not limited to application procedures,
3 23 investigation, approval or disapproval, and payment of claims.
3 24 The department may expend up to one percent of the moneys
3 25 appropriated for the bonus compensation authorized under this
3 26 section for administrative costs associated with the
3 27 requirements of this section.

3 28 8. This section is repealed June 30, 2011.

3 29 Sec. 2. Section 422.7, subsection 51, Code Supplement
3 30 2007, is amended to read as follows:

3 31 51. Subtract, to the extent included, the amount of any
3 32 Vietnam Conflict veterans bonus provided pursuant to section
3 33 35A.8, subsection 5, and section 35A.8A.

3 34 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
3 35 immediate importance, takes effect upon enactment.

4 1 Sec. 4. RETROACTIVE APPLICABILITY. The section of this
4 2 Act amending section 422.7, is retroactively applicable to
4 3 January 1, 2008, and is applicable for tax years beginning on
4 4 and after that date.

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4 9 PATRICK J. MURPHY
4 10 Speaker of the House

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4 12 _____
4 13 JOHN P. KIBBIE
4 14 President of the Senate
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4 16 I hereby certify that this bill originated in the House and
4 17 is known as House File 2283, Eighty-second General Assembly.

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4 20 _____
4 21 MARK BRANDSGARD
4 22 Chief Clerk of the House

4 23 Approved _____, 2008

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4 26 _____
4 27 CHESTER J. CULVER
4 28 Governor